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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

17 Arizona State Legislature, et al.,

Plaintiffs,

V.

21 Joseph R. Biden, Jr., et al.,

22 Defendants.

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No. CV-08026-PCT-SMM

TRIBAL NATIONS' RULE 24 MOTION TO INTERVENE FOR LIMITED PURPOSE

1 Pursuant to Federal Rule of Civil Procedure (“FRCP”) 24(a), or, in the
2 alternative 24(b), the Havasupai Tribe (“Havasupai”), the Hopi Tribe (“Hopi”),
3 and the Navajo Nation (collectively, “Tribal Nations”) respectfully move this
4 court to intervene in the above captioned case. The Tribal Nations seek to
5 intervene for the limited purpose of filing a motion to dismiss under Rules
6 12(b)(7) and 19(b). The proposed motion is attached as Exhibit A.

7 The Tribal Nations fulfill all the criteria to intervene as a matter of right
8 under Rule 24(a)(2) or, in the alternative, for permissive intervention under Rule
9 24(b)(1). The Tribal Nations seek intervention in support of the Defendants,
10 President Joseph R. Biden, Jr., et al. (“United States”) with respect to Plaintiffs’
11 claims regarding Baaj Nwaavjo I’tah Kukveni – Ancestral Footprints of the Grand
12 Canyon National Monument (“Ancestral Footprints” or “the Monument”).

13 Counsel for the Tribal Nations conferred with counsel for the parties to
14 determine their position on this motion. The Arizona Legislature was unable to
15 take a position on the Motion to Intervene. The United States indicated that it
16 would wait to see the filed motion before it takes a position on the Motion to
17 Intervene.

18 **I. FACTUAL BACKGROUND**

19 Ancestral Footprints receives its name from the Indigenous names given
20 to the area by the Havasupai and Hopi. 88 Fed. Reg. 55331, 55331 (Aug. 15, 2023)
21 (“Monument Proclamation”). Baaj nwaavjo (BAAHJ - NUH-WAAHV-JOH)
22 means “where Indigenous peoples roam” in the Havasupai language, and i’tah
23 kukveni (EE-TAH - KOOK-VENNY) means “our ancestral footprints” in the
24 Hopi language. *Id.* At the center of this region is the Grand Canyon. *Id.* Since time
25 immemorial, the Tribal Nations and several other indigenous nations have called
26 this region home. The area retains “profound historical, cultural, and religious
27 significance” to the Tribal Nations. *Id.*

1 In the early years of the National Parks Service, Congress created Grand
2 Canyon National Park (or “the Park”). Sadly, federal “conservation” of the Park
3 was used to justify denying Indigenous Peoples, including the Tribal Nations and
4 their members, access to their homelands. *Id.* The Tribal Nations continued their
5 traditions on the boundaries of the park, still within their sacred homelands.
6 Years later and after significant shifts in federal Indian policy, the Tribal Nations
7 advocated for additional protections to the federal public lands in the region.
8 These lands to the south, northeast, and northwest of the Park contain over “3,000
9 known cultural and historic sites, including 12 properties listed on the National
10 Register of Historic Places, and likely a great many more in areas not yet
11 surveyed.” *Id.* at 55333. They contain numerous archaeological sites and are
12 “havens for sensitive and endangered species – including the California condor,
13 desert bighorn sheep, and endemic plant and animal species” – all of which are
14 themselves “objects of independent historic or scientific interest.” *Id.* at 55332.
15 They contain the markers of historic and continued use by Tribal Nations,
16 including historic trail systems and evidence of ancient habitation. *Id.* at 55333-
17 34. Their landscapes tell a geographic, hydraulic, and biological history that
18 reaches back beyond even Tribal historical memory. *Id.* at 55335.

19 In recognition of these unique resources, on August 8, 2023, President
20 Biden established Ancestral Footprints National Monument. *See id.* at 55331.
21 Within the Proclamation, President Biden sought to empower the Tribal Nations
22 and several other sister tribal nations of the region to provide guidance and
23 recommendations on the management of the Monument. To that end, the
24 Proclamation established the Baaj Nwaavjo I’tah Kukveni – Ancestral Footprints
25 of the Grand Canyon Commission (“Commission”), a self-governing body made
26 up of elected Tribal officers from Indigenous Nations with cultural ties to the
27 region, of which the Tribal Nations are members. *Id.* at 55340.

1 The Arizona State Legislature, the Treasurer of the State of Arizona, an
 2 Arizona county, and two Arizona towns have now filed this suit seeking to
 3 overturn the Monument Proclamation. The Tribal Nations ask that this court
 4 grant them intervention in this matter as they have significant interests in the
 5 Monument Proclamation and Ancestral Footprints. Because the Tribal Nations
 6 will necessarily be impacted by the outcome of this litigation and are not
 7 adequately represented by the existing parties, the Tribal Nations are entitled to
 8 intervention here.

9 **II. ARGUMENT**

10 **A. The Tribal Nations are Entitled to Intervene as a Matter of Right.**

11 Intervention as of right is governed by FRCP 24(a), which provides, in
 12 relevant part:

13 On timely motion, the court must permit anyone to intervene who: . . .
 14 (2) claims an interest relating to the property or transaction that is the
 15 subject of the action, and is so situated that disposing of the action may
 16 as a practical matter impair or impede the movant's ability to protect
 17 its interest, unless existing parties adequately represent that interest.
 18 Fed. R. Civ. P. 24(a).

19 The four-part test under Rule 24(a) requires:

20 (1) the applicant must file a timely motion; (2) the applicant must have
 21 a "significantly protectable" interest related to the subject matter of the
 22 action; (3) the disposition of the action may practically impair or
 23 impede the applicant's ability to protect that interest; and (4) that
 24 interest must not be adequately represented by the existing parties in
 25 the lawsuit.

26 *WildEarth Guardians v. Provencio*, No. CV-16-08010-PCT-SMM, 2016 WL 8738252,
 27 at *1 (D. Ariz. Aug. 11, 2016) (citing *Wilderness Soc'y v. U.S. Forest Serv.*, 630 F.3d
 28 1173, 1177 (9th Cir. 2011)). In the Ninth Circuit, the requirements of Rule 24(a) are
 1 interpreted "broadly in favor of . . . intervention[.]" *United States v. Oregon*, 913
 2 F.2d 576, 587 (9th Cir. 1990), and the court's review is "guided primarily by
 3 practical and equitable considerations." *Donnelly v. Glickman*, 159 F.3d 405, 409

1 (9th Cir. 1998). “When ruling on a motion to intervene as a matter of right, the
 2 court accepts all of the applicant’s non-conclusory allegations as true.” *WildEarth*
 3 *Guardians*, No. CV-16-08010-PCT-SMM, 2016 WL 8738252, at *1. The Tribal
 4 Nations satisfy all requirements for Rule 24(a) intervention as of right.

5 **1. The Tribal Nations’ Motion to Intervene is Timely.**

6 Timeliness is a “threshold requirement for intervention.” *Oregon*, 913 F.2d
 7 at 588. Timeliness is “determined by the totality of the circumstances” and hinges
 8 on “three primary factors:” (1) the stage of the proceeding at which the applicant
 9 seeks to intervene; (2) the prejudice the intervention would cause other parties;
 10 and (3) the reason for and length of any delay. *Smith v. Los Angeles Unified Sch.*
 11 *Dist.*, 830 F.3d 843, 854 (9th Cir. 2016). The Tribal Nations have filed this motion
 12 to intervene just 10 weeks after the case was originally filed, and before the
 13 United States has filed any responsive pleading. Granting intervention at this
 14 stage would not prejudice any party, as there has been no answer filed, no
 15 discovery conducted, and no scheduling conference. Nothing else about the
 16 Tribal Nations’ intervention would prejudice any party. And lastly, there has
 17 been no delay in the Tribal Nations’ intervention. Thus, the Tribal Nations’
 18 motion is timely.

19 **2. The Tribal Nations have Significantly Protectable Interests in
 20 the Present Litigation.**

21 An applicant has a “significant protectable interest” in an action if “(1) it
 22 asserts an interest that is protected under some law, and (2) there is a
 23 ‘relationship’ between its legally protected interest and the plaintiff’s
 24 claims.” *Donnelly v. Glickman*, 159 F.3d 405, 409 (9th Cir. 1998) (citing *Nw. Forest*
 25 *Res. Council v. Glickman*, 82 F.3d 825, 837 (9th Cir. 1996)). In *United States v. City of*
 26 *Los Angeles, California*, the Ninth Circuit set out an analytical framework for the
 27 interest prong:

1 The interest test is not a clear-cut or bright-line rule, because no
 2 specific legal or equitable interest need be established. Instead, the
 3 interest test directs courts to make a practical, threshold inquiry, . . .
 4 . and is primarily a practical guide to disposing of lawsuits by
 5 involving as many apparently concerned persons as is compatible
 6 with efficiency and due process.

7 288 F.3d 391, 398 (9th Cir. 2002) (internal quotation marks, citations, and brackets
 8 omitted). As this Court has stated, a “party has a sufficient interest for
 9 intervention purposes if it will suffer a practical impairment of its interests as a
 10 result of the pending litigation.” *WildEarth Guardians*, No. CV-16-08010-PCT-
 11 SMM, 2016 WL 8738252, at *2 (quoting *California ex rel. Lockyer v. United States*,
 12 450 F.3d 436, 441 (9th Cir. 2006)).

13 The importance of the Ancestral Footprints Monument to the Tribal
 14 Nations and their members, as the stewards of these lands from time
 15 immemorial, is centered in the lands’ role as “sacred components of the [Tribal
 16 Nations’] origin and history[.]” Monument Proclamation at 55333. The region is
 17 the Tribal Nations’ homeland, and within the three Monument areas are locations
 18 held sacred by the Tribal Nations and their members. *Id.* Indeed, the
 19 Proclamation details the history of how Ancestral Footprints were taken from the
 20 Tribal Nations, and their efforts to maintain a relationship with these lands. *Id.* at
 21 55331-553333.

22 As a result, the Tribal Nations were extensively involved in advocating for
 23 the designation of Ancestral Footprints Monument. As President Biden
 24 acknowledged in his remarks at the signing of the Monument Proclamation, the
 25 Tribal Nations “fought for decades to be able to return these lands, to protect
 26 these lands from mining and development, to clear them of contamination, [and]
 27 to preserve their shared legacy for future generations.” DCPD-202300677:
 28 Remarks on Signing a Proclamation Establishing the Baaj Nwaavjo I’tah Kukveni
 - Ancestral Footprints of the Grand Canyon National Monument Near Tusayan,

1 Arizona, 2023 DAILY COMP. PRES. DOC. (Aug. 8, 2023).

2 The Tribal Nations are also members of the Grand Canyon Tribal
 3 Coalition, an intertribal coalition whose member Tribal Nations are each
 4 intimately connected to the region. In April of 2023, the Coalition formally
 5 launched an effort to call on President Biden to designate Ancestral Footprints as
 6 a national monument. House Natural Resources Committee Democrats, *Press*
 7 *Conference - Baaj Nwaavjo I'tah Kukveni Grand Canyon National Monument*
 8 *Designation Effort*, YOUTUBE (April 20, 2023), <https://www.youtube.com/watch?v=spcVxJlzYo>. These efforts show that the Tribal Nations have a
 9 significantly protectable interest in the challenge to the Proclamation—a federal
 10 action the Tribal Nations supported and which protects these lands and sacred
 11 places for their members. *Idaho Farm Bureau Fed'n v. Babbitt*, 58 F.3d 1392, 1397 (9th
 12 Cir. 1995) (a party has a significantly protectable interest “in an action
 13 challenging the legality of a measure it has supported.”); *see United States v.*
 14 *Carpenter*, 526 F.3d 1237, 1240 (9th Cir. 2008) (concluding a party can have an
 15 interest in preserving resources “for the use and enjoyment of their members.”).

16
 17 The Presidential Proclamation at the heart of this case, standing alone, also
 18 establishes the Tribes’ personal stake as sovereigns in this litigation. The Tribal
 19 Nations have an interest in the monument Commission, established to ensure
 20 that the care and management of the monument reflect the Tribal Nations’
 21 expertise and values. Monument Proclamation at 55340. Through the
 22 Commission, the Tribal Nations, as sovereign nations with government-to-
 23 government relationships with the United States, are vested with authority to
 24 provide guidance and recommendations on management of their sacred
 25 ancestral lands within Ancestral Footprints. *Id.* The Arizona Legislature directly
 26 attacks the Commission, seeking to abrogate the collaborative, government-to-
 27 government management of Ancestral Footprints as established in the

1 Proclamation. This is a significant interest that may be impaired as a result of the
 2 pending litigation. *WildEarth Guardians*, No. CV-16-08010-PCT-SMM, 2016 WL
 3 8738252, at *2; *cf. Massachusetts v. EPA*, 549 U.S. 497, 519-20 (2007) (depriving a
 4 sovereign of a procedural right, even if it would not guarantee a substantive
 5 result, constitutes injury).

6 The Tribal Nations have several significantly protectable interests in
 7 Ancestral Footprints grounded in their historical relationship with the region,
 8 their history of advocacy to secure protections for it, and government-to-
 9 government relationship in managing the monument through the Commission.

10 **3. The Tribal Nations' Interests May, as a Practical Matter, Be
 11 Impaired by This Litigation.**

12 If a proposed intervenor “would be substantially affected in a practical
 13 sense by the determination made in an action, he should, as a general rule, be
 14 entitled to intervene.” *Sw. Cntr. for Biological Diversity v. Berg*, 268 F.3d 810,
 15 822 (9th Cir. 2001) (quoting Fed. R. Civ. P. 24 advisory committee’s note to the
 16 1966 amendment). After “finding that a proposed intervenor has a significant
 17 protectable interest, courts have little difficulty concluding that the disposition of
 18 the case may affect it.” *WildEarth Guardians*, No. CV-16-08010-PCT-SMM, 2016
 19 WL 8738252, at *2 (citing *Lockyer*, 450 F.3d at 442).

20 The broad relief requested by Plaintiffs is that Ancestral Footprints be
 21 declared unlawful, enjoined, and set aside. Pls.’ Compl. at 48, ECF No. 1. Such
 22 relief would destroy the many practical and material protections that the Tribal
 23 Nations advocated so hard for.

24 This litigation may also impair the Tribal Nations’ interests in the
 25 monument Commission. Plaintiffs challenge both the Proclamation and the
 26 Antiquities Act based on the establishment of the Tribal Commission.
 27 Specifically, Plaintiffs allege that the “Proclamation exceeds Defendants’

1 authority because the Antiquities Act does not authorize Defendants to grant
 2 Native Americans a role in managing Monument land.” *Id.* at 45 (Count One).
 3 Plaintiffs alternatively allege that “if the Antiquities Act does permit such
 4 delegations, it is unconstitutional.” *Id.* The existence of the Commission is
 5 immensely important for the Tribal Nations as it recognizes the importance of
 6 these lands to the Tribes’ history, spirituality, and culture. The Commission is
 7 permitted to provide “guidance and recommendations,” the Secretaries of
 8 Interior and Agriculture must “meaningfully engage the Commission,” and the
 9 Secretaries must consider “integrating the Indigenous Knowledge and special
 10 expertise” of the Commission. Monument Proclamation at 55340.

11 The Commission builds upon the Executive’s fulfillment of its obligations
 12 to protect and preserve Native religious practices, Executive Order No. 13007, 61
 13 Fed. Reg. 26771 (May 29, 1996) <https://www.govinfo.gov/content/pkg/FR-1996-05-29/pdf/96-13597.pdf>, as well as the United States’ policy to “protect and
 14 preserve for American Indians their inherent right of freedom to believe, express,
 15 and exercise” their traditional religions, “including but not limited to access to
 16 sites, use and possession of sacred objects, and the freedom to worship through
 17 ceremonials and traditional rites.” 42 U.S.C.A. § 1996.

18 The Proclamation recognizes the history of dispossession of these lands
 19 and the government-to-government relationship between the United States and
 20 Tribal Nations. The Tribal Nations’ sovereign right to participate in the
 21 management of their ancestral lands within Ancestral Footprints is therefore
 22 squarely at issue in this case, and the Court should have “little difficulty”
 23 concluding that the disposition of the case may affect the Tribal Nations’
 24 interests. *WildEarth Guardians*, No. CV-16-08010-PCT-SMM, 2016 WL 8738252, at
 25 *2.

26 **4. The Existing Parties Do Not Adequately Represent the Tribal
 27 Nations’ Interests.**

1 The burden for showing inadequate representation is “minimal[,]” and is
 2 satisfied if proposed intervenors can demonstrate that representation of their
 3 interests “may be” inadequate. *Citizens for Balanced Use v. Mont. Wilderness Ass’n*,
 4 647 F.3d 893, 898 (9th Cir. 2011) (citations omitted); *WildEarth Guardians*, No. CV-
 5 16-08010-PCT-SMM, 2016 WL 8738252, at *2.

6 To determine whether the applicant’s interests are adequately represented
 7 by existing parties, the Court considers:

8 (1) whether the interest of a present party is such that it will
 9 undoubtedly make all the intervenor’s arguments; (2) whether the
 10 present party is capable and willing to make such arguments; and
 11 (3) whether the would-be intervenor would offer any necessary
 12 elements to the proceedings that other parties would neglect.

13 *Nw. Forest Res. Council*, 82 F.3d at 838 (citations omitted). The “most important
 14 factor” in assessing the adequacy of representation is “how the [applicants’]
 15 interest compares with the interests of existing parties.” *Arakaki v. Cayetano*, 324
 16 F.3d 1078, 1086 (9th Cir. 2003).

17 The Ninth Circuit has held that the United States cannot adequately
 18 represent Tribal Nations’ interests where the Tribal Nations hold sovereign
 19 interests in the outcome of the litigation not shared by the United States. *Diné*
 20 *Citizens Against Ruining Our Environment v. Bureau of Indian Affs.*, 932 F.3d 843,
 21 855 (9th Cir. 2019) (distinguishing *Sw. Cntr. for Biological Diversity*, 268 F.3d 810,
 22 in which sovereignty and sovereign interests were not implicated). And even if
 23 parties’ interests are presently aligned, if they will “not necessarily remain
 24 aligned,” the proposed intervenor interest is not adequately represented. *Diné*
 25 *Citizens*, 932 F.3d at 854 (citing *White v. Univ. of Cal.*, 765 F.3d 1010, 1027 (9th Cir.
 26 2014)).

27 **(i) Because of Differing Interests, the United States is Not
 28 Necessarily Capable or Willing to “Undoubtedly” Make
 29 All the Tribal Nations’ Arguments.**

30 “Inadequate representation is most likely to be found when the applicant

1 asserts a personal interest that does not belong to the general public." 3B James
 2 W. Moore et al., *Moore's Federal Practice*, ¶ 24.07[4], at 24-78 (2d ed. 1995). And
 3 where the United States' "overriding interest . . . must be in complying with [the
 4 law]," rather than in the outcomes essential to tribal sovereignty and self-
 5 governance, the United States is an inadequate representative of Tribal Nations.
 6 *Klamath Irrigation Dist. v. United States Bureau of Reclamation*, 48 F. 4th 934, 944 (9th
 7 Cir. 2022). Here, the Tribal Nations' interests are grounded in their ancestral
 8 relationship to the region and their decades-long efforts to protect these lands.

9 These interests include the need to protect irreplaceable sites, burials, and
 10 resources critical to their cultural survival and the perpetuation of their ways of
 11 life. Equally as important, the Tribal Nations also have governmental interests in
 12 having a hand in the management of the lands within the Monument, via the
 13 Commission. The Tribal Nations have knowledge, understanding, and
 14 connection to Ancestral Footprints and its many places, intrinsically tied to their
 15 sovereign and cultural survival, that goes well beyond Federal Defendants'
 16 interests. The United States has far more generalized public interests underlying
 17 its efforts to defend and preserve Ancestral Footprints. This is in part because the
 18 United States' constituency reaches far beyond the Tribal Nations' constituencies,
 19 and because the United States does not enjoy the same cultural and ancestral
 20 connection to the lands as the Tribal Nations. And while the United States may
 21 have an interest in defending its actions, its "overriding interest . . . must be in
 22 complying with" applicable laws. *Id.* This interest "differs in a meaningful sense
 23 from [the Tribal Nations'] sovereign interest" in ensuring protections for and a
 24 governmental role in the management of their traditional homeland. *Id.* (citing
 25 *Diné Citizens*, 932 F.3d at 856-57) (internal brackets omitted). Even if the Tribal
 26 Nations and the federal government share similar goals and legal positions in
 27 this litigation, the United States cannot adequately represent the Tribal Nations'

1 sovereign interests.

2 Even if it were the case that the Tribal Nations' and the United States' interests were currently aligned in this matter, there is a very real risk of a policy shift created by a change in presidential administration. Such a change raises the possibility of a later divergence of interest. *See City of Los Angeles, Cal.*, 288 F.3d at 403; *see also Western Energy All. v. Zinke*, 877 F.3d 1157, 1169 (10th Cir. 2017). The changing wishes of the administration are "by no means, wholly irrelevant." *Sagebrush Rebellion, Inc. v. Watt*, 713 F.2d 525, 529 (9th Cir. 1983). And this potential divergence is not speculative. Former President and presumptive 2024 Republican presidential nominee Donald Trump has previously stated on the 2020 campaign trail that he would consider abolishing national monuments. Steve Mistler, *Could Donald Trump Undo the Katahdin Woods and Waters National Monument?*, New Hampshire Public Radio (Nov. 17, 2016), <https://www.nhpr.org/2016-11-17/could-donald-trump-undo-the-katahdin-woods-and-waters-national-monument>. And he did just that to Bears Ears National Monument—purporting to reduce its size from 1.35 to 0.20 million acres, stripping protections for tribal resources, and reducing the power of the tribal co-management Commission—and to Grand Staircase Escalante National Monument and the Northeast Canyons and Seamounts Marine National Monument. *See Juliet Eilperin & Joshua Partlow, Haaland urges Biden to fully protect three national monuments weakened by Donald Trump*, Washington Post (June 14, 2021) <https://www.washingtonpost.com/climate-environment/2021/06/14/haaland-biden-national-monuments/>. It is also equally as plausible that the United States may argue that the Commission aspect of the Proclamation is severable, should it find it strategic to do so. *See, e.g.* U.S. Reply in Support of Mot. to Dismiss at 18, ECF No. 166, *Garfield Cnty. et al. v. Biden et al.*, No. 22-cv-27

1 00059 (D. Utah May 5, 2023) (arguing severability clause in Bears Ears National
 2 Monument Proclamation results in favor of President). The Proclamation here
 3 likewise contains a severability clause. Proclamation at 55342.

4 There is considerable doubt as to whether the United States will raise all of
 5 the Tribal Nations' arguments, including considerable doubt as to whether the
 6 United States plans to and will continue to raise the Tribal Nations' arguments.

7 **(ii) The Tribal Nations Offer Necessary Elements to the
 8 Proceedings Other Parties Would Neglect.**

9 As the traditional stewards of these lands, the Tribal Nations have
 10 "expertise apart from that of the [U.S. defendants]" and "offer[] a perspective
 11 which differs materially from that of the present parties to this litigation."
 12 *Sagebrush Rebellion*, 713 F.2d at 528. For this reason and those mentioned above,
 13 the Tribal Nations are not adequately represented by the present parties to the
 14 litigation.

15 Accordingly, all four prongs of the test for intervention as of right are
 16 amply satisfied, and the Tribal Nations are entitled to intervention as of right.

17 **B. Alternatively, the Tribal Nations Meet the Requirements for
 18 Permissive Intervention.**

19 If this court finds that the Tribal Nations have not established the
 20 requirements for intervention as of right, the Tribal Nations respectfully request
 21 that this court allow permissive intervention under Federal Rule of Civil
 22 Procedure 24(b). "On timely motion, the court may permit anyone to intervene
 23 who . . . has a claim or defense that shares with the main action a common
 24 question of law or fact." Fed. R. Civ. P. 24(b). "In exercising its discretion, the
 25 court must consider whether the intervention will unduly delay or prejudice the
 26 adjudication of the original parties' rights." *Id.*

27 The Tribal Nations seek to intervene in this case for the purpose of
 28

1 addressing the legal and factual issues raised by the Plaintiffs regarding
 2 Ancestral Footprints, as well as addressing any potential remedy as a result of
 3 the court's conclusion. Thus, Rule 24(b)'s common question requirement is met.
 4 The second half of the permissive intervention test looks to timeliness and
 5 prejudice to the parties. As stated previously, the Tribal Nations' motion is
 6 timely, no prejudice will result from granting intervention, and the Tribal
 7 Nations bring a perspective to the litigation distinct from that of the other parties
 8 on the common questions of law and fact. *See Maverick Gaming LLC v. United*
 9 *States*, No. 3:22-CV-05325, 2022 WL 4547082, at *2-4 (W.D. Wash. Sept. 29, 2022)
 10 (allowing Tribe to permissively intervene so that the court can consider the
 11 Tribe's Rule 19 motion to dismiss on the merits).

12 **III. Conclusion**

13 For the reasons stated above, the Tribal Nations respectfully request that
 14 their *Motion to Intervene for Limited Purpose* be granted.

15
 16 RESPECTFULLY SUBMITTED this 24th day of April 2024.

17 /s/ Paul Spruhan

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 19 Sage G. Metoxen, AZ No.030707 **
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18 *Counsel for the Havasupai Tribe*

19 *Motion for Pro Hac Vice forthcoming
20 ** Motion for Admission pending

21

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